

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE: §
§
REGINA DUTTON § CASE NO. 16-41311
§
§
DEBTOR § CHAPTER 13
§
§

ORDER SUSTAINING DEBTOR'S OBJECTION TO PROOF OF CLAIM
#12 FILED BY SETERUS

ON THIS DATE, the Court considered the Debtor's objection to proof of claim #12 filed by SETERUS (the "Claimant") on or about 12/08/2016 in the amount of \$368,611.78. The Debtor filed such objection on 07/05/2018. The Court finds that the objection to claim contains proof sufficient to overcome the presumption of validity imposed by Fed. R. Bankr. P. 3001(f) and was properly served pursuant to Federal and Local Rules of Bankruptcy Procedure. The Court further finds that the objection contained the appropriate 30-day negative notice language, pursuant to LBR 3007, which directed the Claimant to file a written response within 30 days or the objection to claim would be deemed by the Court to be unopposed. Due to the failure of the Claimant to file a timely written response to the objection, the Court deems the Debtor's claim objection to be unopposed and, therefore, the Court finds that just cause exists for the entry of the following order.

IT IS THEREFORE ORDERED that the Debtor's Objection to the Proof of Claim filed by Claimant is **SUSTAINED** and that claim #12 filed by SETERUS is hereby allowed as a secured claim in the amount of \$368,611.78, with a pre-petition arrearage claim of \$15,558.44 shall be paid by the Trustee at 0% interest.

Signed on 8/24/2018

Brenda T. Rhoades MD
HONORABLE BRENDA T. RHOADES,
UNITED STATES BANKRUPTCY JUDGE